



November 13, 2003

Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Written Ex Parte Presentation
WT Docket No. 02-55

Dear Ms. Dortch:

This is to advise that on November 12, Lawrence A. Fineran, Vice-President, National Association of Manufacturers, and the undersigned met with Edmond J. Thomas, Chief, Office of Engineering and Technology, and James Schlichting, Deputy Chief, and the OET staff members noted below, regarding the above-captioned proceeding. The NAM/MRFAC representatives addressed the points set forth in the NAM/MRFAC filings in this proceeding.

An original and one copy of this letter are submitted for inclusion in the Docket.

Respectfully submitted,

/s/ William K. Keane

William K. Keane
Their Counsel

Cc:

Edmond J. Thomas
James Schlichting
Michael Marcus
Robert Eckert
Salomon Satche
Rashmi Doshi

800 MHz Interference

The Latest Revisions to the Nextel Consensus Plan Do Not Resolve Concerns Expressed in Earlier NAM/MRFAC Comments

- Five-Nine Year (or More?) Freeze on Additions/Modifications to B/I/LT Systems Would Harm Hundreds of NAM/MRFAC Members by Limiting Innovation, Productivity, and Security Improvements
- Five-Year Set-Aside of Channels for Public Safety Would Restrict Business Growth and Relocation Opportunities for Industrial and Business Licensees
- Cost Estimates for Re-Banding Understated
- Inadequate Assurance of Funding Could Derail Re-Tuning Mid-Stream
- Reimbursement Process Insulated from Effective Commission Oversight Risks Manipulation and Bias
- Continues to Avoid Hard Issues Associated with Border Regions

More Conservative Treatments Should Be Tried Before Radical Surgery

- Commonality Between Balanced Approach and Nextel Plan Forms Basis For First Step, *e.g.*:
 - Adopt Rules Specifying Interference Correction Rights and Responsibilities
 - Adopt Complaint Procedure In The Event A Cellular Licensee Fails to Cooperate
 - Specify Time Period for Trial of Case-by-Case Solutions, *e.g.* Six Months or Less
- Provides an Opportunity for Real-World Evaluation of Less Drastic Proposals: An Ounce of Experience With This Approach Worth A Pound of Pleadings
- In the Event Step One Fails, Implement Re-Banding Along the Lines of That Proposed by Consensus Parties -- Assuming Concerns with Present Proposal Resolved